



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/955,506  
Applicant : John W. Orcutt  
Filed : 09/18/2001  
TC/A.U. : 2872  
Examiner : Phan, James

Confirmation No. 1343

Docket No. : TI-31437  
Customer No. : 23494

RESPONSE TO OFFICIAL ACTION

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

*William B. Kempler* 6/21/04  
William B. Kempler, Reg. No. 28,278 Date

Sir:

1. Transmitted herewith is an amendment for this application.

STATUS

2. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Applicant is other than a small entity.

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for other total number of months checked below:

	Extension (months)	Fee for other than small entity
<input type="checkbox"/>	one month	\$ 110.00
<input type="checkbox"/>	two months	\$ 400.00
<input type="checkbox"/>	three months	\$ 920.00
<input type="checkbox"/>	four months	\$ 1,440.00

Fee \$ -0-

If an additional extension of time is required please consider this a petition therefore.



☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefore of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

☐ Extension fee due with this request \$ \_\_\_\_\_

OR

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

#### FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	22	Minus	22	= 0	x \$18 =	\$ 0
Independent Claims	2	Minus	2	= 6	x \$86 =	\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMOUNT						\$ 0

(c) ☒ No additional fee for claims is required.


OR

(d) ☐ Total additional fee for claims required \$ -0-

#### FEE PAYMENT

If any additional extension and/or fee is required, charge Deposit Account No. 20-0668 and/or if any additional fee for claims is required, charge Deposit Account No. 20-0668. Two copies of this sheet are enclosed.

Respectfully submitted,  
Texas Instruments Incorporated

By   
William B. Kempler  
Senior Corporate Patent Counsel  
Reg. No. 28,228  
(972) 917-5452



2872  
JPW

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ELECTION PURSUANT TO 37 C.F.R. §1.142

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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 William B. Kempler	06/21/04 DATE

Dear Sir:

The Examiner states that the Application contains two patentably distinct species:  
A first species where the drive elements are electromagnetic drive corresponding to claims 3 and 16 and the second species where the drive elements are electrostatic drive corresponding to claims 14 and 22. The Examiner requires that Applicant elect under 35 U.S.C. 121 a single disclosed species for prosecution on the merits to which the claim shall be restricted if no generic claim is finally held to be allowable. The Examiner states that currently claim 1 is generic to claims 3 and 14 and claim 15 is generic to claims 16 and 22.

Applicants elect the Examiner's species number 1 corresponding to electromagnetic drive elements. Claims 1-13 and 15-21 correspond to this elected species. In view of the fact that the Examiner has held claim 1 to be generic to claim 3, all the claims, except claim 14, which are dependent upon claim 1 are in the elected species. In view of the fact that the Examiner has stated that claim 15 is generic to claim 16, all the claims that are dependent upon claim 15, except claim 22, are in the elected species. In view of the fact that the Examiner has found that claim 1 is generic to claim 14 and claim 15 is generic to



claim 22, if these generic claims are allowable, these claims which are not part of the currently elected species, should also be included in the allowed claims.

Early action on the merits is respectfully requested.

Respectfully submitted,  
Texas Instruments Incorporated

By

William B. Kempler  
Senior Corporate Patent Counsel  
Reg. No. 28,228  
Tel.: (972) 917-5452